

David G. Hosenpud, OSB No. 83241

hosenpudd@lanepowell.com

Eric D. Wilson, OSB No. 04455

wilsone@lanepowell.com

LANE POWELL PC

601 SW Second Avenue, Suite 2100

Portland, Oregon 97204-3158

Telephone: 503.778.2100

Facsimile: 503.778.2200

Attorneys for Defendant PETA, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

GREGG SCHUMACHER and LINDA SCHUMACHER, individually and as husband and wife, and **GREGG SCHUMACHER FURS LLC, dba SCHUMACHER FURS & OUTERWEAR**,

CV No. 07-CV-00601-HU

Defendant People for the Ethical Treatment of Animals, Inc.'s ("PETA")
SPECIAL MOTION TO STRIKE

Plaintiffs,

v.

ORAL ARGUMENT REQUESTED

CITY OF PORTLAND, a municipal corporation; **IN DEFENSE OF ANIMALS**, a foreign nonprofit corporation; **ANIMAL LIBERATION FRONT**, an unincorporated association; **PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.**, a foreign nonprofit corporation; **MATT ROSELL; KEVIN MEIRAS, aka "Bluejay"; CONNIE DURKEE; ALEX LILLI; JOHN DOES 1-10; and JANE DOES 1-10**,

Defendants.

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LANE POWELL PC

601 SW SECOND AVENUE, SUITE 2100

PORTLAND, OREGON 97204-3158

503.778.2100 FAX: 503.778.2200

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LR 7.1(a) CERTIFICATION

Counsel for defendant People for the Ethical Treatment of Animals, Inc. ("PETA") certifies that the parties have made a good faith effort through telephone conference to resolve the matters disputed herein, but were unable to do so.

MOTION

Pursuant to ORS 31.150 and ORS 31.152(3), defendant PETA respectfully moves this Court for the following two orders:

- (1) An order striking plaintiffs' claims against PETA in their entirety because plaintiffs cannot show a probability they will prevail on their claims and because this action arises out of conduct in the furtherance of the constitutional right to free speech in connection with a public issue and/or statements or documents presented in a place open to the public in connection with an issue of public interest; and
- (2) An order awarding PETA its attorneys fees and costs in this matter.

PETA's motion to strike under ORS 31.150 is timely because it has been filed within 60 days of the date on which plaintiffs served this action. *See* ORS 31.152(2). PETA is also now entitled to a stay of discovery in this matter pursuant to ORS 31.152(3).

This motion is supported by the court filings previously submitted by the parties and by Defendant PETA Inc.'s Memorandum in Support of Special Motion to Strike.

DATED: May 14, 2007

LANE POWELL PC

By s/ Eric D. Wilson
David G. Hosenpud, OSB No. 83241
Eric D. Wilson, OSB No. 04455
Telephone: 503.778.2100
Attorneys for Defendant PETA, Inc.

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